

Restriction Requirement

Claims 66-98 were pending, and in the instant amendment, Claims 68-70, 72-73, 75 and 82-98 have been cancelled as directed to non-elected subject matter. Claim 66 was made subject to a restriction requirement, which required Applicant to select an active species from insecticides, acaricides, virucides, bactericides, fungicides, plant growth regulators, and herbicides.

The Office Action stated on page 4, in describing Group C, that "[i]f Applicant elects a virucide, bactericides or fungicides, Applicant is required ... to elect an virucide, bactericides or fungicide from ..." Thus, while it is not entirely clear, it appears as though the Examiner considers virucides, bactericides and fungicides to be within one electable group. Applicant agrees to this restriction, and hereby elects this group. The amendments to the claims reflect this election. If Applicant's understanding is incorrect (and Applicant is required to select a single agent from virucides, bactericides, or fungicides), Applicant elects fungicides and will submit a supplemental amendment as appropriate.

Claims directed to active agents outside of the elected group have been cancelled.

Election of Species Requirement

Applicant was also required to elect a single species of fungicide, and elects thiophanate-methyl. Applicants understand that certain claims do not read on the elected species, but such claims will be examined once claims to the elected species are found allowable.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 09-0528

Respectfully submitted,

10/5/07
Date


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